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Attorneys for Gerald H. Davis, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re)	CASE NO. 08-00055 JM7
)	
MARTIN DAVID NIX SR. AND DEBRA L. NIX,)	
)	EX PARTE APPLICATION BY
Debtor(s).)	TRUSTEE FOR AUTHORITY TO
)	EMPLOY GENERAL COUNSEL
)	
)	
)	

TO THE HONORABLE JAMES W. MEYERS, UNITED STATES BANKRUPTCY JUDGE:

The ex parte application of Gerald H. Davis, the Chapter 7 trustee herein (hereinafter alternatively referred to as the “trustee” or “applicant”), respectfully represents:

1. On or about January 1, 2008, the debtor herein filed with this Court a petition for relief pursuant to the provisions of Chapter 7 of Title 11, United States Bankruptcy Code.
2. On or about the same date, applicant was duly appointed, qualified and is acting trustee of the above-named debtor.
3. Applicant believes that there are numerous problems relating to this proceeding requiring the participation of competent counsel.
4. Applicant has contacted Richard C. Norton, Esq., of Norton Adams & Downey, LLP, to discuss its representation of applicant in this case, to be effective as of April 24, 2008.

1 5. Applicant is familiar with the work and reputation of Norton Adams & Downey,
2 LLP, and believes that Norton Adams & Downey, LLP, is well qualified to represent applicant as
3 Trustee in this case.

4 6. Applicant proposes to employ Norton Adams & Downey, LLP, as general counsel
5 herein for the purposes including, but not limited to the tasks identified below.

6 a. An issue has surfaced that raises questions as to whether liens against the
7 Debtor's real property were properly assigned and/or transferred. It is necessary for Applicant to
8 retain counsel to analyze this issue and, if appropriate, to pursue avoidance actions setting aside
9 any unperfected liens against the property as well as challenge any relief from stay motions on the
10 basis that movant may not have standing resulting from an improper assignment or transfer of
11 liens.

12 b. It may be necessary to retain counsel to appear for, prosecute, defend and
13 represent applicant's interest in suits arising in or related to this case and to prosecute preference
14 and other actions arising under the trustee's avoiding power.

15 7. Because Norton Adams & Downey, LLP, specializes in bankruptcy, corporate
16 reorganization and debtor/creditor matters, and because of its experience in those fields, applicant
17 believes that Norton Adams & Downey, LLP, is well qualified to render the foregoing services.

18 8. Applicant is informed and believes that Norton Adams & Downey, LLP (and any
19 employee thereof) does not represent any interest adverse to the debtor or to the estate of the
20 debtor, and that they are disinterested persons with respect to the debtor and to the estate of the
21 debtor within the meaning of Bankruptcy Code Sections 101(14) and 327(a) (11 U.S.C. Section
22 101, et seq.).

23 9. For the foregoing and all other necessary and proper purposes, applicant proposes
24 to retain generally Norton Adams & Downey, LLP, as his counsel on an hourly basis pursuant to
25 Bankruptcy Code Section 327 at its normal and customary hourly rates. The current rates for
26 personnel who may be providing services to the trustee are listed below; however, these rates are
27 subject to change from time to time:

28 ///

Richard C. Norton	\$350.00
William A. Adams	\$290.00
Paralegals	\$105.00

10. The charges for photocopies rendered on behalf of the trustee will be charged at \$.20 per page as set forth by the Guidelines of the Office of the United States Trustee.

11. Further, applicant proposes that his counsel receive, if appropriate, interim compensation under Bankruptcy Code Section 331. Applicant hereby waives the provisions of Section 6148 of the California Business and Professions Code concerning a written fee agreement, except to the extent provided in this application.

WHEREFORE, applicant prays that this Court enter its order approving the employment by applicant of Norton Adams & Downey, LLP, as his counsel to render services in the areas described above effective April 24, 2008, with compensation to be paid as an administrative expense in such amounts as this Court may hereinafter determine and allow.

Respectfully submitted,

Dated: April 29, 2008

/s/ Gerald H. Davis
Gerald H. Davis, Trustee

PROOF OF SERVICE

I, Ashley N. Goss, declare that: I am over the age of 18 and not a party to the within action; I am employed in the County of San Diego, California where the service occurs; and my business address is 525 B Street, Suite 1500, San Diego, California.

On **April 29, 2008**, I served the foregoing document(s) described as:

EX PARTE APPLICATION BY TRUSTEE FOR AUTHORITY TO EMPLOY
GENERAL COUNSEL

DECLARATION OF DISINTEREST OF ATTORNEYS

[Proposed] ORDER APPROVING EX PARTE APPLICATION BY TRUSTEE FOR
THE AUTHORITY TO EMPLOY GENERAL COUNSEL

on all interested parties to this action by either placing true copies thereof enclosed in sealed envelopes or by sending true copies thereof through electronic transmission addressed as shown below.

X **BY MAIL:** I placed a true copy in a sealed envelope addressed to the parties as indicated above, on **April 29, 2008**. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on the same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Said documents was/were served on the following persons:

Thomas H. Billingslea
530 B Street, Suite 1500
San Diego, CA 92101

Marjan Mortazavi
Mortazavi & Associates
501 West Broadway, Suite 150
San Diego, CA 92101

David Liu, Esq.
Jason E. Goldstein, Esq.
BUCHALTER NEMER
18400 Von Karman Avenue, Suite 800
Irvine, CA 92612

Anne L. Warner
PITE DUNCAN, LLP
525 E. Main Street
P.O Box 12289
El Cajon, CA 92022

 BY FACSIMILE: From facsimile machine telephone number (619) 231-7595 on **April 29, 2008**, I served a full and complete copy of the above-referenced documents on the above-party(ies) at their respective facsimile numbers as indicated above.

X VIA ELECTRONIC EMAIL THROUGH ECF on April 29, 2008:

Said documents was/were served on the following persons:

ustp.region15sop@usdoj.gov
United States Trustee
402 West Broadway, Suite 600
San Diego, CA 92101

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on **April 29, 2008** at San Diego, California.

/s/ Ashley N. Goss

Ashley N. Goss